

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

DEVONTE ABBAS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:21-cv-150
)	
HOBART POLICE DEPARTMENT,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the court *sua sponte*. The parties have 14 days to object to a dismissal based on *Sow v. Fortville Police Department*, 636 F.3d 293, 300 (7th Cir. 2011). The United States Supreme Court has instructed that local government liability under § 1983 “is dependent on an analysis of state law.” *McMillian v. Monroe County*, 520 U.S. 781, 786, 117 S. Ct. 1734, 138 L.Ed.2d 1 (1997). Under Indiana law, a “[m]unicipal corporation” is a “unit, ... or other separate local governmental entity that may sue and be sued.” Ind. Code § 36–1–2–10. A “[u]nit” means county, municipality, or township,” Ind. Code § 36–1–2–23, and a “[m]unicipality” is a “city or town,” Ind. Code § 36–1–2–11. Thus, the Indiana statutory scheme does not grant municipal police departments the capacity to sue or be sued. See *Martin v. Fort Wayne Police Dep’t*, 2010 WL 4876728, at *3 (N.D. Ind. 2010).

ENTERED this 21st day of June, 2023.

/s/ Andrew P. Rodovich
United States Magistrate Judge